

REMARKS

Claims Status

Claims 1-8 and 11-24 are currently pending in this application, of which claims 1, 2, 11, 12, 17, and 18 are in independent form.

Claims 2, 12, 18, and 23 are currently amended. No claims are canceled or added by this amendment.

Summary of Examiner Interview

Applicants express appreciation for courtesies extended to their representative, James Larsen, in an Examiner Interview conducted on February 24, 2010. In the interview, Examiner Peter Chon and Primary Examiner Tim Henn discussed their interpretation of the term “temporal progress”. Examiners maintained that Murakami discloses “focus state storage means for storing temporal progress of the focus states of images obtained by the focus state judging means with temporal progress of the captured images” in disclosing storage of a peak values Ea1-Ea4 for a plurality of distance measurement areas A1-A4.

Various amendment possibilities were discussed. Although Applicants do not necessarily agree with Examiner’s rejection of the claims, to advance prosecution independent claims 2, 12, and 18 are presently amended to include additional features the combination of which is believed to be allowable.

In a telephonic interview February 26, 2010, Examiner Chon confirmed that the present amendment would likely place the claims in condition for allowance and would likely be allowed after final without the necessity of filing a Request for Continued Examination. Applicants thank the Examiner for this indication and gratefully accept this offer.

Allowed Claims, and Comment on Reasons for Allowance

Applicants note with appreciation the maintained indication that claims 1, 11, and 17 have been allowed and claims 3, 5-8, 13, 15, 19-22, and 24 have been allowed insofar as they depend from claim 1. (The Office Action indicates both allowance and rejection of claim 4. Since claim 4 depends only from rejected claim 2, the indication of allowance is believed to be a

typographical error.) Regarding the reasons for Allowance, however, Applicants submit that the claims should be allowed for the combinations of features presented therein, and not for any particular feature.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejects claim 23 under § 112, first paragraph, as unsupported by the specification. Claim 23 has been amended in accordance with the specification and is therefore believed to be in condition for allowance, as the claim was rejected only under § 112. Withdrawal of the rejection, reconsideration and allowance of claim 23 are respectfully requested.

Claim Rejections under 35 U.S.C. § 102(e)

The Office Action rejects claims 2-4, 12, 14, 16, and 18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,359,650 issued to *Murakami* (hereinafter “Murakami”). (The Office Action, on page 3, indicates rejection of claim 15 (“14-16”), which is dependent only on allowed claim 1. Moreover, the Office Action Summary and page 11 of the Office Action both indicate allowance of claim 15. Applicants presume, therefore, that the inclusion of claim 15 in the rejection was a typographical error.)

Independent claims 2, 12, and 18 are presently amended to include:

wherein the focus state judging section determines a focus state value and compares the focus state value to a first focus state threshold and a second focus state threshold, the focus state judged to be in focus if the focus state value is greater than or equal to the first focus state threshold, the focus state judged to require adjustment to become in focus if the focus state value is between the first and second thresholds, and the focus state judged to be incompetent to indicate focus if the focus state value is below the second focus state threshold.

The resulting combination of features is believed to place claims 2, 12, and 18 in condition for allowance for the same reasons as allowed claims 1, 11, and 17 discussed in the office action. Claims 3-4, 14, and 16, insofar as they depend from claim 2, are believed to be in allowable condition based at least on the features of their allowable base claim as discussed above. Withdrawal of the rejection, favorable reconsideration, and allowance of the claims are respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejects:

- claims 5-6 as unpatentable over Murakami in view of U.S. Patent No. 6,937,284 issued to *Singh, et al.* (hereinafter “Singh”),
- claim 7 as unpatentable over Murakami in view of U.S. Patent No. 6,545,715 issued to *Na* (hereinafter “Na”),
- claims 14 and 16 as unpatentable over Murakami in view of Singh and further in view of U.S. Patent No. 5,499,074 issued to *Ohsawa, et al.* (hereinafter “Ohsawa”),
- claims 20 and 24 as unpatentable over Murakami in view of Singh, Ohsawa, and further in view of U.S. Patent No. 6,570,621 issued to *Bigler et al.* (hereinafter “Bigler”), and
- claims 21-22 as unpatentable over Murakami in view of Singh, and further in view of U.S. Patent No. 4,319,238 issued to *Ogasawara et al.* (hereinafter “Ogasawara”).

Claims 5-7, 14, 16, 20-22, and 24, insofar as they depend from claim 2, are believed to be in allowable condition based at least on the allowable combination of features recited by their base claim 2, as discussed above. Applicants submit that Singh, Na, Ohsawa, Bigler, and Ogasawara do not individually or in combination remedy the deficiencies of Murakami with respect to independent claim 2. Withdrawal of the rejections, favorable reconsideration, and allowance are respectfully requested.

Conclusion



In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James C. Larsen, Reg. No. 58,565 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 12, 2010

Respectfully submitted,

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